

Program Description:

**to provide added inspection or plan review services,
using part time or independent contractor CEO resources.**

1. Background

Last summer, the General Assembly passed initiatives removing conflict of interest criteria as a roadblock to the use of independent contractor (3rd party) code enforcement officials (CEO) by the Department. However, this legislation was written generically excluding some elements which we wish to incorporate in a Department policy. Specifically, the legislation makes no reference to the use of NC licensed Architects and Engineers.

In order to develop a comprehensive policy, the Department held 5 management meetings to outline concerns and policy needs. During the fall, these points were reviewed with Bobbie Shields (at the time, Engineering & Building Standards Director), as well as CEO's on staff. The policy was further refined, reviewed with the BDC on 11/8/99 and became effective on January 4, 2000. .

This program will be a premium service for a premium fee, as defined in the LUESA Fee Ordinance.

1. Customers participating

- Customers would voluntarily enter into an agreement with LUESA-Code Enforcement (LUESA-CE) for added inspections or plan review services.
- The added inspections or plan review will be a premium service, with fees charged in addition to any regular project permit fee.

2. Who may participate as CEO's in the Added Inspections or Plan Review Program

- By law (NCGS 153A-355/160A-355), anyone may participate who does not have a (financial or business) conflict of interest, that is;
 - a) has not worked for the owner, developer, contractor, or project manager of the project to be inspected within the last two years, and
 - b) is not related to the owner, developer, contractor, or project manager of the project to be inspected, and
 - c) does not have a commercial (financial or business) interest in the project.
- In addition, participants are required to meet one of the following criteria;
 - NC licensed Architects or Engineers, holding a standard level III (by Certification Exam) in their area of work.
 - CEO's who have formerly worked for LUESA-CE as CEO's in plan review or inspections, provided their field or office experience qualifies them for the specific project type.
 - CEO's who work for LUESA-CE as part time employees, provided their field or office experience qualifies them for the specific project type.

3. How the overall Added Inspections or Plan Review Program works

- Project defined as: work on a defined site agreed to by Directors, assigned Project Manager or Code Enforcement Manager and Code Administrator for that discipline, and assigned to the independent contractor 3rd party CEO, or part time employee CEO.
 - Qualifying projects;
 - Single family residential master plan reviews of any size.
 - Single family residential custom plan reviews of 5000 sq ft or greater.
 - OnSchedule and Mega project plan reviews of any size.
 - Inspections work only on projects with a construction cost of \$100,000 or greater, with the work being executed from start to finish, for the discipline selected.
 - The Directors have the discretion of adding other projects to the above criteria as they deem appropriate.
 - Independent contractor (3rd party) CEO enters into a contract with LUESA-CE for a specific project.
 - in lieu of this, LUESA-CE may assign a part time inspector to perform the CEO work
 - The cost of the contract or part time labor is passed along to the owner
 - Fee setting: premium fee for premium service, per the LUESA Fee Ordinance.
 - Selection of Engineers as independent contractor CEO's;
 - Based on experience in discipline in question,
 - Considering the experience in specific project type to be inspected; (Min. X Projects)
 - Interview with the Directors, assigned Project Manager or Code Enforcement Manager and Code Administrator for that (trade specific) discipline.
 - Architect selection as independent contractor CEO's: same as above
 - Quality assurance: as in Express Review, to be 3 strikes and you're out:
 - with automatic referral to Qualification Board and Licensing Board
 - Contractors will adhere to business ethics and standards of customer service described in Department policies.
 - Contract to specifically name the discipline inspector or plan reviewer to perform the work on the project. Alternates may be specified. No substitutions allowed without Directors' prior approval.
 - This person to be among interviewees
 - independent contractor CEO is the one with:
 - Level III experience (holding a standard certificate).
 - Contractor is responsible for maintaining Plan review or inspectors current continuing education credit (CEC) status with the NC Qualification Board.
 - An North Carolina A or E license.
 - Contract form as stipulated by the County Attorney
 - "Ground Rules" meeting to be held with formal documentation/meeting notes (by the 3rd party contractor) of CEO concerns and "To Do's"
 - Contract Scope
 - Mix of min Hrs/Wk to be approved by Department (and stipulated in the agreement)
 - Plus additional hours owner may request (and contractor may accept or reject)
 - E&O and all insurance requirements as stipulated by the County Attorney:
 - Same for Conflict of Interest Verification
 - Availability
 - During project: stipulated to be immediate
 - After project completed: strictly records based
 - Misrepresentation in interview may be cause for termination
 - All code interpretations beyond the norm will be reviewed with the involved trade/discipline Code Administrators.
 - Engineered judgements as well as considering alternate methods proposals are specifically excluded from the 3rd party agreement.

4. How independent contractor CEO/part time employee CEO plan review works in this program

- Independent contractor CEO answers to an assigned Plans Examiner by the Project Manager or Code Enforcement Manager within Plan Review.
- LUESA-CE designate Plans Examiner is point person on:
 - Coordination if needed on code sections that may be in conflict with other trades or agencies
 - Coordination of policy's procedures on consistency and interpretations if necessary.
 - Understanding which technology tools are used with in the business unit for communication to internal and external customers such as projects spec sheets to meeting minutes
 - It is not another check of the review
- Plan Review process:
 - Plans reside in Electronic Plan Management (EPM), with independent contractor reviewer provided access and will use all process tools and initiatives set by the Department.
 - OnSchedule Coordinator will be assigned to the project to help in the scheduling and logistics for other business units or agencies.
 - Any review questions or comments move directly between professional team and independent contractor reviewer, when necessary, documentation of code issues will be keyed and stored in the EPM system for compliance.
 - Revisions to approved plans (RTAP) would be included on an additional service basis.
- Other Services (Plan Review)
 - Phased Construction -When projects have to be phased during the construction process some additional coordination with internal staff will have to be discussed. These meeting will be scheduled by the Professional Team. Some of the major topics will be the delivery of the project and meeting the Certificate of Occupancy for the building. Additional fees may be required by LUESA for this service.
 - Mega Projects- If the project falls under this project type description, the guide lines outlines on the website for processing and through permitting will remain the same. Fees will be charged for the services that are requested or needed for support for the project.
 - The Professional Team will be responsible for coordination between agencies and or trades for their project.
 - Project collaboration with the owner's team will be per Department best practice.
 - Where the 3rd party CEO participates in prelim or project meetings, they will assure the owner's team meeting note documentation is interred in the project record.

5. How independent contractor CEO/part time employee CEO field inspections works in this program

- independent contractor CEO answers to an assigned inspector
- formal weekly/biweekly reports submitted
- Department field CEO's responsibility include:
 - Receive/review reports
 - Visit site on regular basis (Biweekly/weekly)
 - Quality control
 - Point person on consistency
- Primary inspector named in the contract, backup agreed to:
 - 3rd party contractor CEO will propose a backup/coverage plan for acceptance by LUESA-CE
 - Backup copied on reports
- The Department will stipulate scope and content of independent contractor CEO report
 - Date/time
 - Exact location of inspection and applicable permit number.
 - Inspect type
 - Conditions
 - Report to be signed and sealed A/E
 - Other to be determined
- Independent contractor CEO site visits to be recorded
 - minimum hours per week on site agreed to
 - maintain log book on site

- extra charge to owner if service is in excess of hours/ week limit, agreed to in advance.
- Owner may request work be extended to RTAP's; the Department must approve making the independent contractor CEO available.
- Inspection results are entered under the contracted inspectors name

6. Other

- Regular department CEO's must do either plan review or inspection, that is, a project may not have both plan review and field inspections done by an independent contractor CEO.
- The Department will provide the 3rd party contractor with security access to EPM & POSSE, as appropriate. The 3rd party contractor is responsible for providing required hardware support (whether plan review monitors in the office, or field lap tops).
- Define gross negligence: either
 - a.) Significant oversight impacting life safety
 - b.) Pattern of lesser oversights indicating lax, or improper code enforcement

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